

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ROBERT KENNEDY AND WINSTON
MECHANICAL CORP.,

Plaintiffs,

-against-

CITY OF NEW YORK, et al.,

Defendants.
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**REPORT AND
RECOMMENDATION**
CV 05-246 (DGT) (ARL)

LINDSAY, Magistrate Judge:

Before the court is the defendant's application seeking to have this matter reassigned to a Magistrate Judge in the Brooklyn courthouse. The defendants argue that although the civil conference sheet indicates that the case arose in Nassau and Suffolk, no events in the complaint took place in Nassau or Suffolk. The plaintiffs oppose the application but do not address the specific arguments made by the defendants.

The court has reviewed the complaint and notes that the events complained of took place in Queens County. Pursuant to the Guidelines for the Division of Business Among District Judges 50.1(d), a civil case shall be designated a Long Island case if the cause arose wholly or in substantial part in Nassau or Suffolk County. Given that the events giving rise to the action took place in Queens, the undersigned recommends that the matter be reassigned to a Magistrate Judge in the Brooklyn courthouse.

Any objections to this Report and Recommendation must be filed with the Clerk of the Court with a courtesy copy to the undersigned within 10 days after being served with a copy of this Report. Failure to file objections within this period waives the right to appeal the District Court's Order. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; *Beverly v. Walker*, 118 F.3d 900, 902 (2d Cir. 1997); *Savoie v. Merchants Bank*, 84 F.3d 52, 60 (2d Cir. 1996).

Dated: Central Islip, New York
April 27, 2005

_____/s/
ARLENE ROSARIO LINDSAY
United States Magistrate Judge